

1  
2  
3  
4  
5  
6  
7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 KEVIN L. THOMAS,

11 Petitioner,

12 v.

13 STEVE SINCLAIR,

14 Respondent.

Case No. C08-1830-RSL

**ORDER DISMISSING FEDERAL  
HABEAS PETITION WITHOUT  
PREJUDICE**

15 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's  
16 answer thereto, the Report and Recommendation of Brian A. Tsuchida, United States Magistrate  
17 Judge, and the remaining record, does hereby find and Order:

18 (1) The Court adopts the Report and Recommendation.

19 (2) Petitioner's federal habeas petition (Dkt. No. 7), and this action, are DISMISSED  
20 without prejudice for failure to exhaust state court remedies.

21 (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for  
22 respondent, and to Judge Tsuchida.

23 Dated this 3rd day of November, 2009.

24 

25 Robert S. Lasnik

26 United States District Judge

ORDER DISMISSING PETITION